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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JULIO CASTILLA,

9 Petitioner,

10 v.

11 RON VAN BOENING,

12 Respondent.

C08-906Z

ORDER

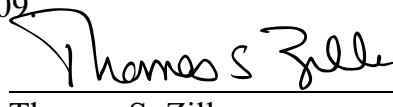
13 THIS MATTER comes before the Court on Petitioner's Motion for Certificate of
14 Appealability Pursuant to 28 U.S.C. § 2253, docket no. 26. Having fully considered all
15 materials filed in support of and in opposition to Petitioner's motion, the Court now rules as
16 follows:

17 A certificate of appealability may issue where "the applicant has made a substantial
18 showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

19 For the reasons stated in Magistrate Judge Tsuchida's Report and Recommendation,
20 docket no. 19, Petitioner has failed to make a substantial showing of a denial of a
21 constitutional right. Accordingly, the Court DENIES Petitioner's Motion for Certificate of
22 Appealability Pursuant to 28 U.S.C. § 2253, docket no. 26.

23 IT IS SO ORDERED.

24 DATED this 19th day of May, 2009

25 
26 Thomas S. Zilly
United States District Judge